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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,738	06/23/2003	Volker Pretzlaff	KOA 0234 PUS (R 1381)	7534
22045	7590	10/28/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				NGUYEN, NAM V
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/601,738	PRETZLAFF ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Nam V. Nguyen	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 August 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-8,10,11,13-16 and 18-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5-8,10,11,13-16 and 18-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

In view of the appeal brief filed on August 17, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claims 1-3, 5-8, 10-11, 13-16, 18-20 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 10-11, 13-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurita (US# 5,235,328).

Referring to claims 1, 6 and 13, Kurita discloses a remote command apparatus as recited in claim 1, 6 and 13. See Figures 1-9 and respective portions of the apparatus and method.

Kurita discloses a keyless authorized access control system, the system comprising:  
at least two transceivers (i.e. transceiver circuitry of electrical apparatuses), each transceiver being assigned to a respective object (i.e. an electrical apparatus) (column 4 lines 27 to 34); and

an identification device (i.e. a remote commander; Figure 1) having a base module (1) (i.e. a commander main body) operable to communicate commands to the transceiver (i.e. transceiver circuitry of electrical apparatuses) assigned to the objects (i.e. an electrical apparatus such as VTR, TV or CD) (column 3 lines 30 to 43; column 4 line 59 to column 5 line 34; see Figures 1 and 5);

the identification device (i.e. a remote commander) further having at least two object modules (2A) (i.e. ROM cards and RAM cards), each object module (2A or 2B) being assigned to a respective one of the objects (i.e. an electrical apparatus) (column 3 lines 30 to 64; column 4 lines 35 to 64; see Figures 1 to 7), each object module (2A) having a memory chip (30) (i.e. ROM chip) containing a code (i.e. command data) attuned to the assigned object (VTR or TV) (column 5 lines 21 to 34; see Figures 6 to 9);

each object module (2A) (i.e. ROM cards or RAM cards) being interchangeably connected to the base module (1) (i.e. a commander main body) through a respective interface (16) (column 4 line 65 to column 5 line 7; see Figures 5 and 8-9);

each object module (2A) having a button (32) (i.e. a key switch) operable for activating the base module (1) to communicate to the transceiver (i.e. transceiver circuitry of electrical apparatuses) assigned to the object (i.e. an electrical apparatus) that is assigned to the object module (2A) a command having the code attuned to the assigned object (i.e. an electrical apparatus) when the object module (2A) is connected through the respective interface (16) to the base module (1) (column 5 lines 21 to column 6 line 50; column 7 lines 1 to 48; see Figures 8 and 9).

Referring to Claims 2, 7 and 15, Kurita discloses the system and the device as recited in claims 1, 6 and 13, Kurita discloses the third transceiver (i.e. a transceiver circuitry of a CD), the third transceiver being assigned to a third object (i.e. a CD) (column 4 lines 59 to 65; see Figure 5); and

the base module (1) (i.e. a commander main body) has a memory chip (12 and 13) with a code (i.e. command data) attuned to one of the third objects (i.e. a transceiver circuitry of a CD), the base module (1) is operable for communicating to the third transceiver a command having the code attuned to the third object (column 5 lines 21 to 34; see Figures 6 to 9).

Referring to Claims 3 and 8, Kurita discloses the system and the device as recited in claims 1 and 6, Kurita discloses wherein the base module (1) has a button (32) (i.e. a key switch)

operable for activating the base module (1) to communicate the codes to the transceivers assigned to the respective objects (column 5 lines 21 to column 6 line 50; column 7 lines 1 to 48; see Figures 8 and 9).

Referring to Claims 5, 10 and 20, Kurita discloses the system and the device as recited in claims 1, 6 and 13, Kurita discloses wherein each object module (2A or 2B) (i.e. ROM cards and RAM cards) has an electronic subassembly (32) (i.e. plurality of key switches for plurality of commands) relating to the assigned object (i.e. an electrical apparatus such as VTR, TV or CD) for carrying out object-specific communication with the transceiver assigned to the assigned object (column 7 lines 1 to 48; see Figures 3 to 4).

Referring to Claim 11, Kurita discloses the system, to the extent as claimed with respect to claim 1 above, and the system further including wherein the base module (1) has at least two receptacles (5) (i.e. open section for accepting ROM cards 2A or RAM cards 2B) with each receptacle receiving one of the object modules (2A) in order to interchangeably connect the object modules (2A) to the base module (1) through the respective interfaces (16) (column 3 lines 51 to column 4 line 11; See Figures 1 and 5).

Referring to Claim 14, Kurita discloses the system as recited in claim 13, Kurita discloses wherein the base module (1) has at least two receptacles (5) (i.e. electrical connectors) with each receptacle receiving one of the object modules (2A) in order to interchangeably connect the

object modules (2A) to the base module (1) through the respective interfaces (16) (column 3 lines 51 to column 4 line 11; See Figures 1 and 5).

Referring to Claim 16, Kurita discloses the system as recited in claim 13, Kurita discloses wherein the object module (2A) and the base module (1) have corresponding plug-and-socket connectors (7) (i.e. a connector portion) in order to interchangeably connect the object module (2A) to the base module (1) (column 4 lines 3 to 26; see Figure 1).

Referring to Claim 18, Kurita discloses the system and the device as recited in claim 13, Kurita discloses wherein the object module (1) has at least two button (32) (i.e. a key switch), each buttons is operable for activating the base module (1) to communicate to the transceivers assigned to the first objects a respective command having a first code when the object module is connected to the base module through the interface (column 5 lines 21 to column 6 line 50; column 7 lines 1 to 48; see Figures 1-4 and 8 and 9).

Referring to Claim 19, Kurita discloses the system and the device as recited in claim 18, Kurita discloses at least two buttons (32) are ergonomically different from one another to enable a user to distinguish the buttons without viewing the buttons (column 4 lines 35 to 59; see Figures 3 and 4).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
October 21, 2005



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